IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 373 OF 2007
IN
APPEAL FROM ORDER NO. 73 OF 2004

VALLABH V.JUWARKAR AND ANR., ... Applicants
Versus
SHRI DIGAMBAR V. JUWARKAR, (DEC)
THROUGH LR'S NAVELIM GOA. ... Respondent

Mr. Valmiki Menezes, Advocate for the applicants.

Ms. H. Fernandes, Advocate for the respondents.

Coram:- A. P. LAVANDE, J.

Date:- 1st June, 2007

P.C.

Heard Mr. Menezes for the applicants and Ms. Fernandes for the respondent No.1. The parties along with their respective Counsel are present in the Court.

2. By this application, the applicants seek modification of the order dated 24th May, 2006 passed by this Court disposing of the Appeal from Order No.73/2004. By order dated 24.5.06, the Appeal from Order No.73/2004 was disposed of in terms of the consent terms filed by the parties. Para 5 of the consent terms provides that in consideration of withdrawal of the applications filed by the respondents, the applicants would pay to the respondent No.1 for self and as a guardian of the respondents No.2 and 3 a total amount of Rs.3,50,00,000/- (Rupees three crores fifty lakhs only) in the manner set out therein. It is now the case of the parties that they have agreed to an amount of Rs.3,00,00,000/- (Rupees three crores only) instead of Rs.3,50,00,000/- and the entire amount of Rs.3,00,00,000/- (Rupees three crores only) has been paid to

the respondent No.1. The respondent No.1 who is present in the Court today agrees to substitute the amount of Rs.3,50,00,000/- (Rupees three crores fifty lakhs only) by Rs.3,00,00,000/- (Rupees three crores only) as stated in para 5 of the consent terms and states that she would have no further claim for the balance amount of Rs.50,00,000/-.

2. Since the respondent No.1 herself has agreed to accept the amount of Rs.3,00,00,000/- (Rupees three crores only) instead of Rs.3,50,00,000/- (Rupees three crores fifty lakhs only) as stated above, I am of the opinion that the application filed by the applicants deserves to be allowed.

3. Accordingly, the total consideration of Rs.3,50,00,000/- (Rupees three crores fifty lakhs only) as stated in para 5 of the consent terms is substituted by the figure of Rs.3,00,00,000/- (Rupee three crores only).

4. The application stands disposed of in the aforesaid terms with no order as to costs.

A. P. LAVANDE, J.

ssm.